

## Message Text

UNCLASSIFIED

PAGE 01 HONG K 10256 040515Z

12

ACTION SCSE-00

INFO OCT-01 EA-09 ISO-00 L-03 /013 W

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P 040306Z SEP 75

FM AMCONSUL HONG KONG

TO DEPARTMENT OF JUSTICE PRIORITY

INFO SECSTATE WASHDC PRIORITY 6769

UNCLAS HONG KONG 10256

JUSTICE FOR RISTAU, CHIEF, FOREIGN LITIGATION UNIT,  
CIVIL DIVISION ONLY.

E.O. 11652: N/A

TAGS: CGEN

SUBJECT: U.S. V. SIMMONS

REF: HONG KONG 10167

1. RECEIVED LETTER FROM WING HANG BANK IN RESPONSE RISTAU  
LETTER; WILL POUCH.

2. BANK WILL RESPOND TO ACTION UNDER SECTION 750F THE  
EVIDENCE ORDINANCE TO GIVE EVIDENCE IN U.S. COURTS, STATING  
IT IS "BOUND TO OBLIGE TO THE FULL LIMIT OF THE LAW".

3. REFTEL STATED BANK ORALLY INDICATED (TO HONG KONG POLICE)  
IT WOULD PROBABLY BE WILLING TO SEND WITNESS TO U.S. FOR  
LIVE TESTIMONY.

4. PAR. 3AND 4 BANK'S LETTER STATES: "WE WISH TO  
MENTION THAT WE ARE ACTUALLY BEING SUED BY YOU AS ONE OF  
THE DEFENDANTS IN (U.S. V. SIMMOMS). OUR LEGAL ADVISER  
HAS BEEN NEGOTIATING WITH YOUR LEGAL COUNSEL FOR A  
SETTLEMENT OF THIS ACTION AGAINST US FOR THE REASON  
THAT WE ARE AN INNOCENT PARTY AND THAT THE CONTINUATION  
OF THE ACTION AGAINST US WILL NOT SERVE ANY MEANING-  
FUL PURPOSE. WE SHALL BE GRATEFUL IF YOU WILL  
INDICATE TO US WHETHER YOU ARE PREPARED TO DISCONTINUE  
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THE ACTION AGAINST US.

5. YOU WILL APPRECIATE, HOWEVER, THAT IF THE SAID ACTION  
WERE TO BE CONTINUED AGAINST US, WE WOULD HAVE TO  
INSURE THAT THE TESTIMONY GIVEN IN THE (U.S. COURT) WOULD  
NOT IN ANY WAY PREJUDICE OUR POSITION IN (HONG KONG CIVIL  
ACTION)."

6. HAVE ORALLY ASSURED BANK JOINDER AS DEFENDANT IS/WAS  
TECHNICAL NECESSITY, AND, TO MY KNOWLEDGE, NO PREJUDICE  
POSSIBLE; BUT THAT I WOULD PASS ON BANK'S FEELINGS.

PLEASE ADVISE.

CROSS

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 04 SEP 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
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**TAGS:** CGEN, HK, US  
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